

included by many casting houses to facilitate the flowability of molten metals. Therefore, the present language "substantially free of silicon" is appropriate and necessary to properly define the invention. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-12, 34-38 and 42-49 are rejected under 35 U.S.C. §112, first paragraph as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains to make or use the invention. Particularly, the Examiner states that the disclosure is enabling only for claims including specific alloy constituent weight ranges. Applicant has amended the claims such that all claims pending now require the presence of specific constituents and their weight ranges. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-12, 34-38 and 41-49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Way, et al. The Examiner states that the prior art teaches an article made from an alloy having constituent weight ranges overlapping those recited by one or more of the claims. The Examiner concludes that overlapping ranges are considered to establish a *prima facie* case of obviousness. Applicant respectfully traverses.

The currently claimed invention does not include overlapping ranges with Way. More specifically, the present requirements of greater than 8% vanadium, molybdenum, and niobium (Way = 6%); of less than 32% nickel and cobalt (Way is at least 58% in each example); and far greater than 27% by weight chromium, tungsten, molybdenum, vanadium and niobium (Way is silent with respect to a total for these carbide forming elements) are not encompassed by the Way disclosure.

Furthermore, Applicant submits herewith a declaration of Jorge Morando setting forth critical aspects of the currently claimed ranges which rebut the alleged *prima facie* case of obviousness. Moreover, Mr. Morando establishes the criticality of the present nickel range, the cobalt range, and the relative proportions of the carbide forming elements. Accordingly, any obviousness based on overlap with certain ranges within the extremely broad Way disclosure is effectively rebutted. Therefore, withdrawal of the rejection is respectfully requested.

In view of the above, Applicant submits that this application is in condition for allowance and such action is respectfully requested.

If any fee is due in conjunction with the filing of this response, Applicant authorizes deduction of that fee from Deposit Account No. 06-0308.

Respectfully submitted,

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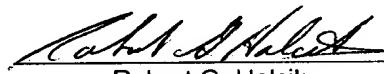
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CERTIFICATE OF MAILING

I hereby certify that this **Amendment** is being deposited with the United States Postal Service as **EXPRESS MAIL** envelope numbered **EL530714551US** addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231, on October 12, 1999.



Robert G. Halcik